

1999, the individual pled guilty. In the year 2001, the individual was pardoned. And the independent counsel is still in business spending money. What on Earth is going on?

A former Federal prosecutor following the plea agreement, Lawrence Barcella, said this:

This is a classic example of why this independent counsel statute was a problem. You give this person all the resources to go after one person, and the first thing that is lost is perspective.

Joseph DiGenova, a Republican lawyer and former independent counsel himself, said in the April 1, 2005, Washington Post:

If this does not prove [the independent counsel's] worthlessness as a governmental entity, I don't know what does.

I do not come here as a partisan, a member of a political party. I come here as someone outraged to wake up in the morning and read a report about an independent counsel impeached 10 years ago to investigate a subject who pled guilty 6 years ago and was pardoned 4 years ago, and the independent counsel is still spending the taxpayers' money, \$1.26 million over the last 6 months.

My amendment is painfully simple. I propose we stop the spending on June 1 and tell this independent counsel: Finish your report, finish up, move on, and give the taxpayers a break.

That is what the amendment is. It is very simple. I hope it might be considered and supported by my colleagues.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

AMENDMENT NO. 430, AS MODIFIED

Mr. BYRD. Mr. President, I have a proposed modification to the amendment which I have discussed with the distinguished manager of the bill, the chairman of the committee, Mr. COCHRAN.

I send the modification to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 430, as modified:

At the appropriate place, insert the following:

SEC. _____. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by a Federal agency to produce any prepackaged news story unless the story includes a clear notification within the text or audio of the prepackaged news that the prepackaged news story was prepared or funded by that Federal agency.

The PRESIDING OFFICER. Is there objection to the modification of the amendment at this time?

Without objection, the amendment is so modified.

Mr. BYRD. Mr. President, I am prepared now to go to a vote, if the distinguished chairman is also prepared. And I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, may I just be sure that we are clear on this language.

I understand that the language as read by the clerk is agreed to on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the modification.

The PRESIDING OFFICER. The amendment has been so modified. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

Mr. DURBIN. I announce that the Senator from Maryland (Mr. SARBANES) is necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

(Rollcall Vote No. 95 Leg.)

YEAS—98

Akaka	Dodd	Martinez
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Murkowski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Biden	Feingold	Nelson (NE)
Bingaman	Feinstein	Obama
Bond	Frist	Pryor
Boxer	Graham	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Burr	Harkin	Salazar
Byrd	Hatch	Santorum
Cantwell	Hutchison	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kerry	Stabenow
Coleman	Kohl	Stevens
Collins	Kyl	Sununu
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Corzine	Leahy	Thune
Craig	Levin	Vitter
Crapo	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeMint	Lott	Wyden
DeWine	Lugar	

NOT VOTING—2

Inhofe Sarbanes

The amendment (No. 430), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair wishes to clarify for the record

that Senator MURRAY did not sign the cloture motion on amendment No. 387, and Senator LEAHY did sign that motion.

Mr. COCHRAN. Mr. President, what is the regular order?

The PRESIDING OFFICER. The pending amendment is amendment No. 399 by Senator DORGAN. There are other amendments which are, however, the regular order with respect to that amendment.

Mr. COCHRAN. The Dorgan amendment is the pending amendment.

The PRESIDING OFFICER. That is correct.

Mr. COCHRAN. I thank the Chair.

Mr. President, for the information of Senators, I have been asked and others have been asking the leadership about the intention of the Senate to proceed to votes on other amendments tonight. That is certainly up to the Senate. We are here open for business. We have an emergency supplemental appropriations bill pending before the Senate, and we need to move with dispatch to complete action on this bill to get the money to the Departments of Defense and State for accounts that have been depleted and that we need in the war on terror, that we need for our troops in Iraq and Afghanistan. So I hope we can proceed to further consideration of amendments that are pending. There are amendments pending. I hope Senators can cooperate with the managers and the leadership in moving this bill ahead.

I thank all Senators. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 390

Mr. OBAMA. Mr. President, I call up amendment No. 390 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself, Mr. GRAHAM, Mr. BINGAMAN and Mr. CORZINE, proposes an amendment numbered 390.

The amendment is as follows:

(Purpose: To provide meal and telephone benefits for members of the Armed Forces who are recuperating from injuries incurred on active duty in Operation Iraqi Freedom or Operation Enduring Freedom)

At the appropriate place, insert the following:

SEC. _____. **BENEFITS FOR MEMBERS OF THE ARMED FORCES RECUPERATING FROM INJURIES INCURRED IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.**

(a) PROHIBITION ON CHARGES FOR MEALS.—

(1) PROHIBITION.—A member of the Armed Forces entitled to a basic allowance for subsistence under section 402 of title 37, United